

**NOT FOR PUBLICATION**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

ANGELA READING,

Plaintiff,

v.

NORTH HANOVER TOWNSHIP, *et al.*,

Defendants.

HONORABLE KAREN M. WILLIAMS

Civil Action  
No. 23-1469-KMW-SAK

**MEMORANDUM OPINION AND  
ORDER**

**WILLIAMS, District Judge:**

**WHEREAS**, this matter comes before the Court by way of Plaintiff's request for an administrative stay pending appeal, with consent of all counsel, (ECF No. 91) and by way of Government Defendants' request for a stay due to lack of jurisdiction (ECF No. 96);

**WHEREAS**, the Court notes that the standard by which the Court must evaluate a request for an administrative stay is different from a motion for a stay pending appeal;

**WHEREAS**, the Court construes both Plaintiff and Government Defendants requesting an administrative stay;

**WHEREAS**, with regard to administrative stays, district courts possess inherent discretion to stay a proceeding whenever the interests of justice mandate such action, and as such a court may issue a stay if it simplifies the issues and promotes judicial economy, provided that the balance of harm to the parties is taken into consideration, *see Gentian v. Tristar Prods.*, No. 13-1758, 2021 WL 3561215 at \*8 (D.N.J. Aug. 12, 2021);

**WHEREAS**, with regard to Government Defendants' request for a stay, Government Defendants assert that this Court lacks jurisdiction because, after the Parties stipulated to the

dismissal of count VII of the amended complaint, “the remaining counts . . . relate to Plaintiff’s pending appeal before the third Circuit,” (ECF No. 96);

**WHEREAS**, the Government Defendants assert that “the filing of a notice of appeal . . . confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal,” (ECF No. 96 at 2) (quoting *Sheet Metal Workers’ Int’l Ass’n Loc. 19 v. Herre Bros.*, 198 F.3d 391, 394 (3d. Cir. 1999));

**WHEREAS**, although the Government Defendants do not have a pending motion before this Court and thus its jurisdiction argument is premature, the Court agrees that the analysis regarding Plaintiff’s First Amendment Claims against the non-Government Defendants, who do have pending motions before this Court, may require the Court to make determinations that could conflict with the Third Circuit’s review of the same facts in Plaintiff’s appeal; thus

**THE COURT FINDS** that staying the matter for further instruction based on the Third Circuit’s decision regarding Plaintiff’s appeal could potentially obviate certain issues, and would significantly impact the judicial economy and ultimate disposition of the case at bar, and considering that all counsel have consented to a stay in this matter, satisfying the Court’s considerations with regard to administrative stays; and

**THE COURT FINDS** staying all proceedings in this matter is warranted.

**THEREFORE, IT IS** this 25th day of June, 2024,

**ORDERED** that the Court **GRANTS** the Parties’ requests for a stay of all proceedings in this matter, including Government Defendants’ answer deadline and all motions currently filed, pending the resolution of Plaintiff’s appeal to the Third Circuit.

  
KAREN M. WILLIAMS  
United States District Judge